

September 18, 2013

The Honorable David K. Paylor, Director  
Virginia Department of Environmental Quality  
629 East Main Street  
Richmond, Virginia 23219

Re: Authority to Promulgate Amendments to the Erosion and Sediment Control and  
Stormwater Management Certification Regulations (9 VAC 25-850)

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulations. It is my opinion that the State Water Control Board has the authority to promulgate the amendments to the regulations under Chapter 3.1 of Title 62.1 of the Code of Virginia. It is also my view that these amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to Enactment Clause 8 of Chapters 756 and 793 of the 2013 Acts of Assembly.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

David C. Grandis  
Assistant Attorney General